

FILE

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554
AUG 21 2003

OFFICE OF
MANAGING DIRECTOR

Robert D. Binder
Manager – Federal Regulatory Affairs
Frontier – A Citizens Communications Company
180 South Clinton Ave.
Rochester, NY 14646

Re: Electric Lightwave, Inc.
Fiscal Year 2001 Regulatory Fees
Fee Control No. 00000RROG-03-088

Dear Mr. Binder:

This is in response to your request dated July 2, 2003, filed on behalf of Electric Lightwave, Inc. (ELI) for a waiver and refund of the \$16,890.50 late charge penalty for late payment of the fiscal year (FY) 2001 regulatory fees. Our records reflect that ELI has paid the late charge penalty.

In your request, you state that “[d]uring the period when ELI would have received” the FY 2001 regulatory fee billing, “our company was engaged in some significant internal personnel and organizational changes.” You state that “[t]he staff at ELI’s location in Vancouver, Washington had been displaced and their responsibilities were being conveyed to a new unit within our company.” You state that as a result of the transition, the company “mis-handled” the Commission’s invoice for the 2001 regulatory fees and that “[t]he first notice of this delinquency was May 6th of this year.” You state that the oversight was an “aberration” as evidenced by ELI’s timely payment of the 2002 regulatory fees.

You also state that a grant of a waiver of the late charges would compensate for the “injury” suffered by the “company when the FCC lost track of Frontier Telephone’s wire transfer payment of its 2002 regulatory fees.” You state that although it was proven that Frontier Telephone paid the fees on a timely basis, the United States (U.S.) Treasury Department “was not notified of this clarification.” You state that as a result, “unwarranted collection actions” were taken against the company, as well as withholding of payment by the U.S. government for services rendered by your company. You state that it took several months for the withheld payments (totaling in excess of \$30,000.00) to be remitted to your company and hundreds of man-hours to allocate the “bulk” remittance to the proper accounts.

The Communications Act of 1934, as amended, requires the Commission to assess a late charge penalty of 25 percent on any regulatory fee not paid in a timely manner. It is the obligation of the licensees responsible for regulatory fee payments to ensure that the Commission receives the fee payment no later than the final date on which regulatory fees are due for the year. Your request does not indicate or substantiate that ELI met this obligation. Therefore, your request for a waiver and refund of the late charge penalty for late payment of the FY 2001 regulatory fee is denied.

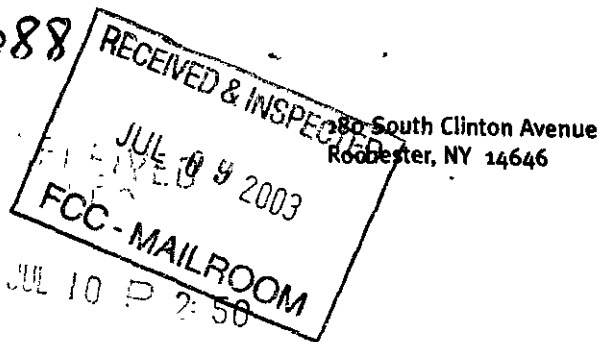
If you have any questions concerning this matter, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Reger", with a stylized flourish at the end.A small, stylized handwritten mark or initial, possibly "MR", located to the left of the printed name.

Mark A. Reger
Chief Financial Officer

00000 R206-03-088



80 South Clinton Avenue
Rochester, NY 14646

RECEIVED
July 2, 2003

John Rogovin
General Counsel
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Waiver of Late Charge on ELI's 2001 Regulatory Fees

Dear Mr. Rogovin:

The purpose of this letter is to request a waiver of the late charge assessed to ELI (Filer Id# = 808575; Tax Payer Id# = 93-1035711) for the delay in payment of its 2001 Regulatory Fees (Re.02-CCB0015). Initially, I directed this request to Claudette E. Pride (Chief of the FCC's Revenue and Receivables Operations Group); after discussing the matter she directed me to contact you regarding this waiver request. There are two reasons for my company why granting a waiver would be an equitable resolution for this situation.

During the period when ELI would have received the regulatory fee billing, our company was engaged in some significant internal personnel and organizational changes. The staff at ELI's location in Vancouver, Washington had been displaced and their responsibilities were being conveyed to a new unit within our company. Unfortunately, the FCC's invoice for the 2001 fees was mis-handled in the transition. The first notice we received of this delinquency was May 6th of this year. This oversight was an aberration as evidenced by my company's timely payment of the 2002 regulatory fees. For this reason alone, I believe the granting of a late fee (\$16,890.50) waiver would be appropriate.

Additionally, I contend that granting a waiver of these late charges would compensate for the injury suffered by my company when the FCC lost track of Frontier Telephone's wire transfer payment of its 2002 regulatory fees. Though my company was proven to have paid the fees on a timely basis, the U.S. Treasury Department was not notified of this clarification. What resulted were un-warranted collection actions being taken against my company and the withholding of payment by the United States government for services being rendered by my company. It took several months for the withheld payments (totaling in excess of \$ 30,000) to be remitted to my company. When the money was conveyed, the Treasury Dept. could not provide any detail as to which accounts the remittance should be applied to; this lack of documentation required my company to expend hundreds of man-hours to allocate the "bulk" remittance to the proper

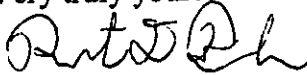
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John Rogovin
July 2, 2003
Page 2

accounts. Because of the injury suffered by my company due to the FCC's mis-handling of Frontier's regulatory fee payment, I believe that granting this request for waiver of the late fee on ELI's 2001 regulatory fees would be an equitable accommodation.

Due to the timing of this request, my company has paid the delinquent regulatory fee and the related late charge; therefore, this retroactive waiver of the late charge would require a separate remittance from the FCC to my company. I respectfully submit that, in light of the points delineated, it would be reasonable for the waiver of the late charge to be granted. Please contact me at your convenience with any questions relative to this request by telephone (585-777-6401) or through e-mail (rbinder@czn.com).

Very truly yours,



Robert D. Binder
Manager- Federal Regulatory Affairs
Frontier – a Citizens Communications Company

Cc: Claudette Pride (FCC Revenue and Receivables Operations Group)

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

OFFICE OF
MANAGING DIRECTOR
Electric Lightwave, Inc.
4400 N.E. 77th Ave.
Vancouver WA 98662

FEB 08 2002

Re: 02-CCB0015

Dear Regulatee:

This letter is in reference to the Fiscal Year (FY) 2001 regulatory fees, which were due to the Federal Communications Commission (Commission) during the period, September 10-26, 2001. These are mandatory fees established by Congress in accordance with the Omnibus Budget Reconciliation Act of 1993. The fees are used to offset costs associated with the Commission's enforcement, public service, international, policy, and rulemaking activities. An unpaid regulatory fee is a debt owed to the United States, see (31 U.S.C. §3701).

The Commission is verifying its FY 2001 regulatory fees collection to identify those regulatees who have not paid. We have no record of receiving the FY 2001 regulatory fee under the following FCC Form 499-A Filer ID and Taxpayer Identification Number (TIN):

FCC Form 499-A Filer ID: 808575

TIN: 93-1035711

We have examined your most recent FCC Form 499-A, and it appears that you owe the FY 2001 regulatory fee of \$67,562. If this amount is correct, and you have not yet paid this fee, then you also owe a 25% penalty, which penalty equals 16,890.50. The total fee now due is 84,452.50.

Payment in full should be remitted with the enclosed Remittance Advice, FCC Form 159 to: Federal Communications Commission, P.O. Box 358835, Pittsburgh, PA 15251-5835 within 30 days of the date of this letter. You should submit all payments that are due, including the 25% penalty, for each Filer ID and TIN. The 25% penalty should be listed separately on the Form 159. The payment type code to be used for the penalty is "0199."

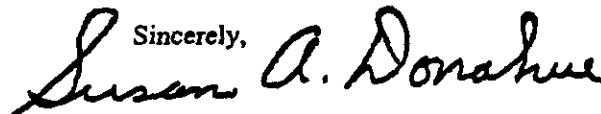
If you made full payment within the time required, please provide a complete copy of your submission (Form 159), including proof of payment. If you believe that you were exempt from the FY 2001 regulatory fee under the Commission's rules, please submit complete documentation supporting your position within twenty (20) days of the date of this letter. These documents should be sent to Federal Communications Commission, Revenue & Receivables Operations Group, Room 1A821, 445 12th Street, SW, Washington, DC 20554.

If this debt is not paid within 30 days from the date of this letter, we may apply other administrative sanctions. The sanctions may include dismissing any pending or subsequent applications filed by you or your organization with the Commission. Such applications include, but are not limited to: tariff filings under Section 203 of the Act, applications under 1.2 of the Rules, petitions for waiver of the rules under 1.3 of those Rules, petitions for rulemaking under 1.401 of the Rules, and applications for special permission under Sections 61.17 and 61.152 of the Rules.

In addition, the Commission may revoke any instruments of authorization held by you or your organization. Such instruments include, but are not limited to, any authorizations granted under Section 214 of the Act and any licenses granted under Title III of the Act.

If you have any questions concerning this letter, you may write me at the Commission or call the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,



Susan Donahue, Chief
Revenue & Receivables Operations Group

Enclosures

BT0055

**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554**

**OFFICE OF
MANAGING DIRECTOR**

MAY 06 2003

**Electric Lightwave, Inc.
4400 N.E. 77th Ave.
Vancouver, WA 98662**

Re: 02-CCB0015

Dear Licensee:

This letter is a final demand for payment in reference to a bill that was issued by the Federal Communications Commission that remains unpaid. The enclosed billing document indicates the reason for this bill. Your account is seriously past due and requires immediate attention.

You are cautioned that failure to respond and/or pay this debt will subject you to sanctions as defined by 31 U.S.C. §3717 and 4 C.F.R. Part 102. The Debt Collection Improvement Act of 1996 as amended gave Federal Government agencies the authority to report and refer delinquent debts to the U.S. Treasury Department for further collection action. If payment is not received within 30 days from the date of this letter, your account will be assessed further penalties, which can be as high as 11 percent, and referred to the U.S. Treasury for collection. Please mail your payment along with a copy of the enclosed bill to the following address:

Federal Communications Commission
P.O. Box 358835
Pittsburgh, PA 15251-5835

If you have any documentation that will establish that the debt was paid, such as a canceled check, or any other supporting information, please submit this information along with a copy of this letter. You may provide any documentation that will support a claim of financial hardship. Such information as profit and loss statements can be used in these instances. Your documentation and/or remittance must be mailed to the Federal Communications, along with a copy of the enclosed bill to the following address:

Federal Communications Commission
Attn: Revenue and Receivables Operations Group
445 12th Street, S.W., Room 1A820
Washington, DC 20554

If you have any questions, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,


Claudette E. Pride, Chief
Revenue & Receivables Operations Group

Enclosures

Payment Search Detail

Fee Control Number	Payor Name	Payment Amt	Overage Amt	R	Credit Card Info
0009228835468005	ELECTRIC LIGHTWAVE INC	\$43,669.46	\$0.00		Payor Info
0209188835799002	ELECTRIC LIGHTWAVE INC	\$66,488.60	\$0.00		End Check Info
0307010835762001	ELECTRIC LIGHTWAVE INC	\$84,452.50	\$0.00		Changer Info
9509218835730010	ELECTRIC LIGHTWAVE INC	\$3,015.10	\$0.00		Acct Info
9709228835772001	ELECTRIC LIGHTWAVE INC	\$18,632.73	\$0.00		Also Show JV'd transactions
9909148835595015	ELECTRIC LIGHTWAVE INC	\$22,427.00	\$0.00		More to Unapplied

Sequence	Quantity	Payment Type Code	Payment Amount	Trans Code	Call Sign Other Id	Treasury Symbol		ECC Code Info
1	1	0222	\$67,562.00	PMT	8885752881	27X6008	0	Applicant Info
2	1	0199	\$16,890.50	PMT	8885752881	27X6008	0	Treasury Info
								Modify Payment
								Close

Print Screen